

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 3:08CR63**

**DALIANA MENEFFEE**

**ORDER**

This cause is before the Court on defendant Menefee's Motion for Continuance [53]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on December 15, 2008. In support of the motion, defense counsel avers to the parties' intention to utilize a polygraph examination in an effort to resolve the case against defendant Menefee without need of a trial. Furthermore, counsel for Menefee and for the government require additional time to interview Menefee's codefendants in light of their recent change of plea. Counsel for the government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from December 15, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of her defense. Therefore, the ends of justice served by the granting of this

continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant Menefee's Motion for Continuance of Trial Setting [53] is GRANTED;
2. That the trial of this matter is continued until Monday, February 9, 2009 at 9:00 a.m.  
in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from December 15, 2008 until February 9, 2009 is excluded as set out  
above;
4. That the deadline for filing pretrial motions is January 20, 2009;
5. That the deadline for submitting a plea agreement is January 26, 2009.

SO ORDERED, this the 8<sup>th</sup> day of December, 2008.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE